

### **REMARKS**

After the foregoing Amendment, claims 1 and 7, as amended, are pending in this application. Claims 1 and 7 have been amended to incorporate the subject matter of claims 5 and 11 respectively, thereby making amended claims 1 and 7 independent forms of claims 5 and 11. Claims 2-6 and 8-12 have been cancelled. No new matter has been added as a result of the foregoing claim amendments.

Entry of the foregoing Amendment by the Examiner is requested because (1) it reduces the issues, (2) places the claims in better form for appeal and, (3) in effect does not substantively change any claims but merely deletes all but two of the claims (independent forms of currently pending claims 5 and 11). (4) No additional searching or consideration is required because the two remaining claims, as independent versions of currently pending claims 5 and 11 have already been searched and fully considered by the Examiner.

#### **Claim Rejection under 35 U.S.C. § 102**

Claims 2 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,326,982 (Wu *et al.*). These claims have been cancelled, thereby rendering this rejection moot.

#### **Rejections under 35 U.S.C. § 103**

1. Claims 1, 3-4, 6-7, 9-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu *et al.* in view of U.S. Patent No. 5,903,816 (Broadwin *et al.*). Claims 1, 3-4, 6-7, 9-10 and 12 have been effectively cancelled, thereby rendering this rejection moot.

2. Claims 5 and 11 (now independent claims 1 and 7) were rejected under 35 U.S.C. § 103.(a) as being unpatentable over Wu *et al.* in view of Broadwin *et al.* and further in view of U.S. Patent No. 5,517,257 (Dunn *et al.*). The Examiner takes the position that Wu *et al.* as modified by Broadwin *et al.* teaches a television broadcast receiver comprising a reproduction control unit for controlling the reproduction of the contents, but the combination does not instruct the broadcast station through the reproduction control unit to stop the transmission of the contents when starting the reproduction of the advertising information during the reception and

reproduction of the contents and instructs the broadcast station to restart the transmission of the contents when ending the reproduction of the advertising information. The Examiner further states that a receiver with a control unit "can" instruct a broadcast station to temporarily stop and resume the transmission of contents is well known in the art as taught by Dunn *et al.* The Examiner concludes it would have been obvious to one of ordinary skill in the art to further modify Wu *et al.* and Broadwin *et al.* for this purpose. For the reasons as set forth below, Applicants respectfully traverse the rejection of claims 1 and 7 (independent versions of claims 5 and 11).

Claim 1, as amended to incorporate the subject matter of claim 5 calls for a broadcast system including a broadcast station (31 on Fig 4) and a television broadcast receiver (32) connected to the broadcast station by a two-way channel (33). The television broadcast receiver includes a browser for reproducing HTML coded display data, a storage unit for storing HTML coded advertising information, and a reproduction control unit for being instructed by the browser unit to control the reproduction of contents. As described in detail in the Background section of the application, advertising is more easily and inexpensively produced in the form of web pages rather than traditional videotape produced commercials. Web pages are much more easily updated at very low costs. In addition, using a web page as a commercial allows the commercial to be individually tailored to the needs of a particular consumer or potential consumer. However, unlike the prior art, the present invention employs techniques to insure that such web-based commercials are, in fact, viewed. The broadcast station transmits an advertising scenario header instructing the broadcast receiver what kind of advertising information should be reproduced, and in what way, and also instructing the television broadcast receiver regarding how the video contents received from the broadcast station should be reproduced in accordance with the way the advertising information is reproduced. The advertising scenario header is transmitted either prior to or during the transmission of the video contents. During the reception and reproduction of the video contents the television broadcast receiver reproduces the advertising information stored in the storage unit using the browser unit in accordance with the instructions contained within the advertising scenario header. The television broadcast receiver instructs the broadcast station through the reproduction control unit to temporarily stop the transmission of the video contents when starting the reproduction of the advertising information during the reception and reproduction of the contents, and instructs the broadcast station through the reproduction control unit to restart the transmission of the contents when the reproduction of

the advertising information ends. In this manner, a viewer is essentially precluded from further viewing the desired video content until after the web-based commercial has been played. Claim 7, as amended, recites essentially the same features in a method format.

The Wu *et al.* patent describes a system for particular web pages to be automatically accessed from a television receiver which is also connected to the internet. The system describes how the timing of video content can be used to facilitate the scheduling of the ability to access a particular web site which is related to the video content. If the timing of the video content is correct, the web pages available for accessing correspond to portions of the video data. Because the television receiver is also connected to the internet, the viewer may access the identified web site at his or her discretion utilizing the television remote control device.

As described in detail beginning at col. 5, line 23 of Wu *et al.*, the system is operative to concurrently display the internet data and the video content on the same screen either by superimposing the web page or by producing two separate image fields on the television receiver (i.e., a split screen display or a picture-in-picture display). In one embodiment the user is able to toggle back and forth between the TV viewing (content) and web browsing utilizing the remote (see col. 5, beginning at line 43). Thus the Wu *et al.* patent provides no control of the video content by the broadcast receiver.

The present invention, as defined by claims 1 and 7, is employed for controlling the presentation made to a user. During certain periods of time, the broadcast station provides to the user video content such as a movie, television show, or the like. During other periods of time (as defined by the claimed advertising scenario header and under the control of the reproduction control unit of the broadcast receiver as instructed by the browser unit of the broadcast receiver) the present system provides the viewer with a web-based commercial obtained through the internet. One of the typical use cases of the present invention is to make sure that a viewer is not able to continue viewing the video content and avoid viewing a commercial, such as a web-based commercial. Accordingly, with the present invention, the browser unit of the receiver instructs the reproduction control unit of the receiver and controls what is presented to the viewer, i.e., typically either video content or a commercial is presented and not both at the same time. The viewer has no control of any kind over whether or when a commercial is presented. In some embodiments of the present invention, the viewer is permitted to submit personal data which

determines what specific type of commercial is presented. However, it is the browser of the receiver which instructs the reproduction control unit of the receiver as to whether a commercial or video content is played---the viewer cannot avoid receiving a commercial and continue to view the video content because the video content is controlled (stopped or paused) at the time a commercial is presented. The kind of commercial, the way the commercial is reproduced, and how the contents are reproduced is controlled by the advertising scenario header and the browser of the receiver through their reproduction control unit of the receiver, as described, for example, in parts 6 and 7 of Fig. 5 and the relevant description. The advertising information according to the specific user profile is displayed for a specific period of time (120 seconds). During that time period, the transmission of the video contents that had been viewed by the viewer is paused so the viewer can only view the commercial message, in this case a web-based commercial.

As described above, the Wu *et al.* patent describes a system in which information from a web site (potentially web-based commercials) may be accessed by a viewer and may be displayed on a TV receiver at the same time that the ongoing video content is displayed (see discussion at col. 5, beginning at line 23 and extending through line 55, as well as Fig. 10 at Box 270). The Wu *et al.* patent does not disclose, teach, or even remotely suggest the concept of transmitting an instruction (advertising scenario header) to the broadcast receiver for the browser unit of the receiver to control the kind of advertising to be shown, the way the advertising is to be shown, and the reproduction or interruption of the transmitted video content in accordance with the way the advertising information is to be reproduced. In the Wu *et al.* patent, viewing the advertising or commercials appears to be optional on the part of the viewer because the commercials do not interrupt the reception and display of the main video content signal. Thus, the Wu *et al.* patent teaches away from the present invention in which the viewing of the commercials is controlled by the broadcast system receiver utilizing the advertising scenario header and cannot, in any way, be controlled by the viewer. Clearly, the present invention as defined in claims 1 and 7, as amended is structurally and functionally different from the disclosure and teachings of the Wu *et al.* patent alone.

Applicants have reviewed the Broadwin *et al.* patent and it does not disclose, teach or suggest the feature of the present invention which is lacking in the Wu *et al.* patent, namely the use of an instruction (called the advertising scenario header) broadcast by the broadcast station to the broadcast receiver for the browser unit in the receiver controlling the kind of advertising information reproduced, the way in which the advertising information is reproduced, and how

the broadcast video contents are reproduced and interrupted in accordance with the way that the advertising information is reproduced.

The Examiner states to combine Wu *et al.* and Broadwin *et al* with Dunn *et al.* would have been obvious to one of ordinary skill in the art. However, Applicants respectfully point out that Wu *et al.* specifically teaches away from such a combination because the Wu *et al.* patent is specifically designed to concurrently display and not interrupt the ongoing video content as well as information from a web site and the Wu *et al.* receiver does not control the broadcasting of the video content. Accordingly, it is respectfully submitted that the combination of Wu *et al.*, Broadwin *et al* and Dunn *et al.* is an improper combination and should be withdrawn.

Moreover, the "handset" of Dunn *et al.* referred to by the Examiner is nothing more than a remote controller which is used for allowing the viewer to remotely control the pause and restart of reproduction of video content. With the present invention, the pause and restart of reproduction of the video content is controlled not by the operation of the viewer, but by the advertising scenario header which is transmitted to the browser unit of the broadcast receiver by the broadcast station. The user has no control over whether or not a commercial is to be played or the timing of the commercial. Thus, as called for in amended claims 1 and 7, it is the television broadcast receiver (not the viewer) that instructs the broadcast station through the reproduction control unit to temporarily stop the transmission of the video contents when it is time for the advertising information to be reproduced, and instructs the broadcast station to resume the transmission of the video content when the reproduction of the commercial information has been completed. Clearly, this is quite different from permitting a viewer to pause and/or restart the transmission of the video content at any time he or she wishes as taught by the cited references.

For the foregoing reasons, it is respectfully submitted that amended claims 1 and 7 distinguish patentably over the triple reference combination and, therefore, it is respectfully submitted that the rejection of claims 1 and 7 should be withdrawn.

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**CONCLUSION**

In view of the foregoing Amendment and discussion, it is respectfully submitted that claims 1 and 7, as amended, are in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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